



New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

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February 3, 2009

[REDACTED]

Re: Request for Opinion  
Labor Law §203-d  
RO-09-0003

Dear [REDACTED]:

This letter is written in response to your email of January 20, 2009 in which you request an opinion regarding New York Labor Law §203-d. Your email states that the [REDACTED] licenses insurance agents and brokers and is required by the Tax Law to provide the Tax Department with the Social Security account numbers of such licensees. Additionally, the [REDACTED] uses social security account numbers to identify various applicants and licensees, to conduct background checks on such persons, and to remit to the Department of Taxation and Finance the social security account numbers of such licensees. Your email requests an opinion advising whether Labor Law §203-d(2) prohibits the collection and/or use of Social Security numbers in such a manner. Please be advised that the activities described in your letter are not prohibited under the provisions of Labor Law §203-d(2).

Labor Law §203-d(2) provides that "A social security number shall not be used as an identification number for purposes of any occupational licensing." Therefore, only the use of Social Security numbers as an identification number, i.e. a number printed on a license or other certificate, is prohibited by Section 203-d(2). While your Department collects and uses Social Security numbers to identify insurance agents, brokers, insurance producer applicants and licensees, and to conduct background checks on such persons, nothing in your email indicates that it uses Social Security numbers as the identification number on such licenses and applications. Additionally, it is worth noting that nothing within Labor Law §203-a prohibits the use of the last four digits of an employee's Social Security number as part of an identification for occupational licensing.

Please be advised however, that New York Public Officers Law §96-a [effective January 1, 2010] provides additional restrictions on the use and transmission of Social Security numbers by the State and its political subdivisions, along with some exceptions that may be applicable to your agency's use of the numbers. You may wish to review that statute as well in reaching a determination regarding your legal obligations in this matter.

This opinion is based on the information provided in your email of January 20, 2009. A different opinion might result if the circumstances outlined in your letter change, if the facts

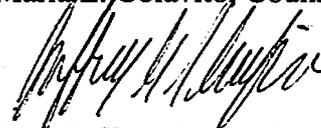
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provided were not accurate, or if any other relevant fact was not provided. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel

A handwritten signature in black ink, appearing to read "Jeffrey G. Shapiro". The signature is written in a cursive style with some loops and flourishes.

By: Jeffrey G. Shapiro  
Associate Attorney

JGS:jc  
cc: Carmine Ruberto